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REPORT ON OTHER MEETINGS AND ACTIVITIES

Note by the Secretary-General

Contribution from the American Society of International Law

1. The General Assembly, in its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly 45/155.

2. The attention of the Preparatory Committee is drawn to the attached contribution, entitled "Conclusions and Recommendations for the World Conference on Human Rights", submitted by the Project on an International Human Rights Agenda for the Post-Cold War World, undertaken, under the auspices of the American Society of International Law with support from the Ford Foundation, through a working group of some 25 human rights scholars and activists, primarily from the United States.

3. The Conclusions and Recommendations focus on the rights of minorities, including indigenous peoples; the rights of women, children and the family; the realization of economic and social rights; an integration of development and human rights policies; the affirmation of democracy as a human right; the protection of refugees and internally displaced persons; the development of new human rights norms as regards freedom of religion and individual autonomy in intimate personal matters; and protection against abuse of human rights during alleged "emergency" circumstances. The document also considers national and international enforcement of human rights norms.

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PROJECT ON AN INTERNATIONAL HUMAN RIGHTS AGENDA
FOR THE POST-COLD WAR WORLD

CONCLUSIONS AND RECOMMENDATIONS FOR THE WORLD CONFERENCE ON HUMAN RIGHTS*

April 1993

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*These conclusions and recommendations emanate from the Project on an International Human Rights Agenda for the Post-Cold War World, undertaken, under the auspices of the American Society of International Law with support from the Ford Foundation, through a working group of some twenty-five human rights scholars and activists mainly but not exclusively from the United States. They are not to be taken as committing individual project participants in every detail, or attributed to the Society itself, which characteristically does not take positions on such issues as an organization.

SUMMARY CONCLUSIONS AND RECOMMENDATIONS

I. RIGHTS PROTECTED

Rights of ethnic, religious, and other discrete minorities, including indigenous peoples

The World Conference should declare that the prevention of violence against ethnic, religious or other minorities and the elimination of all forms of discrimination against them are a moral imperative and a most urgent priority for the international community. (p. 1)

Human Rights of Women

The World Conference should call on the UN to attend urgently to the violations of the human rights of women at every level of public and private life in all regions of the world. (p.3)

Rights of Children and the family

The World Conference should endorse and contribute to a new agenda for protecting and securing the Human Rights of Children pursuant to the Convention on the Rights of the Child. (p. 4)

Economic and social rights

The World Conference should strongly reaffirm an abiding commitment to the realization of economic, social and cultural rights. It should call for similar affirmation by states and international organizations and NGOs. (p. 6)

Development and human rights

The World Conference should insist on genuine integration of development policies with human rights policies. (p. 7)

Democracy as a Human Right

The World Conference should affirm the human right to democracy, and point the way toward practical steps to secure it in national societies. (p. 8)

Protection of internationally or internally uprooted persons

The World Conference should call for urgent attention to protection of the floods of refugees and internally displaced persons. (p. 9)

Developing additional human rights law

The World Conference should support the development of additional human rights principles and obligations, relating in particular to freedom of religion, and individual autonomy in intimate personal matters. (p. 11)

Protection against abuse of derogation in "emergency" circumstances

The World Conference should address urgently the distortion of the concept of "emergency" and the abuse of human rights under the guise of "emergency". (p. 11)

II. NATIONAL ENFORCEMENT

National Responsibility

The World Conference should declare the primary responsibility of governments and national institutions for assuring respect for human rights. (p. 13)

Responsibility for gross violations

The World Conference should strongly affirm the responsibility of governments and the legal accountability of officials and other individuals for gross violations of human rights. (p.13)

III. INTERNATIONAL ENFORCEMENT

Making human rights treaties work

The World Conference should present a detailed program of action for addressing grave deficiencies in the processes of the treaty bodies, beginning with the review of state reports on compliance with human rights treaties, and for strengthening the treaty regimes. (p. 15)

International judicial enforcement.

The World Conference should call on states and international institutions to promote international human rights tribunals in regions where they do not exist; to improve the capacities of existing human rights tribunals; to make more effective use of the International Court of Justice for human rights purposes; and to create certain new tribunals of specialized jurisdiction. (p. 19)

Improving U.N. Protection for Human Rights

The World Conference should call for the establishment of a Special Commissioner for Human Rights, as an independent high-level authority with a sole and specific human rights mandate, as well as for a range of measures for strengthening existing UN human rights structures. (p. 21)

Safeguarding national and international human rights organizations

The World Conference should call on states and international bodies to recognize and respect the vital work of indigenous national NGOs as well as that of international NGOs. (p. 23)

Responsibilities and powers of the larger community: humanitarian intervention and assistance in crisis situations

At a time when a new political environment has generated demands for an increasingly activist role for the UN in coping with humanitarian emergencies, the World Conference should delineate the policies and principles that should govern such a role in regard to gross human rights violations. (p. 25)

CONCLUSIONS AND RECOMMENDATIONS

I. RIGHTS PROTECTED

Rights of ethnic, religious, and other discrete minorities, including indigenous peoples

The World Conference should declare that the prevention of violence against ethnic, religious or other minorities and the elimination of all forms of discrimination against them are a moral imperative and a most urgent priority for the international community.

The Conference should affirm that:

-- Rights of minority groups depend on strict respect for the principle of non-discrimination and for the human rights of the individual members of the group.

-- States must respect the religious and cultural integrity of minority groups.

-- As is true for all human rights, the rights of minorities must be exercised in a manner compatible with the exercise of rights by others.

-- Self-determination may serve as one means of guaranteeing such rights. Exercise of the right to self-determination does not necessarily lead to creation of an independent state. The

Conference should call on the Security Council to consider the availability of the International Court of Justice to assist in the resolution of self-determination disputes or issues.

The Conference should affirm that violations of human rights norms against racism continue to demand the attention of the international community as a matter of high priority.

The Conference should call for greater use of existing mechanisms to address situations in which assertion of minority rights is unjustifiably denied and may lead to ethnic conflict. The Sub-Commission on Prevention of Discrimination and Protection of Minorities should allot much more of its time and resources to issues of minority rights. Treaty Committees should include respect for the rights of minorities in considering state reports or individual complaints. The Committee on the Elimination of Racial Discrimination should intensively scrutinize states' treatment of ethnic minority groups.

The Conference should call for new mechanisms to promote the rights of minorities and indigenous groups more effectively. A Working Group should be appointed by the United Nations Commission on Human Rights to monitor implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.

The Conference should call for particular attention to violence or the threat of violence against persons because of status or identity even in respects not enumerated in existing human rights instruments. It should recommend that the Human Rights

Committee and the Committee on Economic, Social and Cultural Rights begin exploring the full implications of discrimination on the basis of "other status" as it relates to the disabled and to other particularly vulnerable groups.

Human Rights of Women

The World Conference should call on the UN to attend urgently to the violations of the human rights of women at every level of public and private life in all regions of the world.

The Conference should call for intensification of the world community's examination of gender-specific violence against women, half the world's population. It should call upon states to given immediate attention to General Recommendation No. 19 of the Committee on the Elimination of Discrimination Against Women (CEDAW) on violence against women, and the draft Declaration on Violence Against Women. The Human Rights Commission should appoint a Special Rapporteur on Violence Against Women, from domestic violence to the use of rape as an instrument of war.

The use of rape as an instrument of war should be recognized as a war crime and its perpetrators should be brought before competent tribunals. Victims of these crimes must be given urgent humanitarian assistance.

The Conference should call on governments to include violations of women's human rights as well as progress in promoting such rights in reports to the Human Rights Commission and

human rights treaty bodies. It should call upon those bodies to address issues of women's human rights in considering of such reports and in all investigative and jurisprudential activities.

The Conference should call on the United Nations to provide sufficient human and financial resources to CEDAW and the Commission on the Status of Women, at levels at least commensurate with resources made available to the other human rights bodies.

The Conference should insist that the United Nations as an organization must itself live up to the principles of nondiscrimination against women, by encouraging the election or appointment of women to treaty bodies, as special rapporteurs or as members of other special missions, and in its own employment practices and those of the Specialized Agencies. The Conference should commend the United Nations Secretary General for his enunciated policy goals respecting non-discrimination and equality of representation in supervisory positions.

Rights of Children and the family

The World Conference should endorse and contribute to a new agenda for protecting and securing the Human Rights of Children pursuant to the Convention on the Rights of the Child.

The conference should call upon States to develop targeted policies to ensure the necessary conditions for the full enjoyment of the rights of the child. These policies should reaffirm general

principles of non-discrimination and commitment to the best interests of the child. The girl child should be given special attention and the adoption of positive action towards the realization of her rights should be made a priority.

The Conference should call on States to consider the establishment of an Ombudsman for children as an independent body.

The Conference should call on states and the United Nations to devote serious and systematic attention to the promotion of wider knowledge and understanding of the human rights of children. Particular emphasis should be given to the role of non-governmental organizations acting in the fields of assistance, development, protection or promotion of the rights of the child. Special measures to disseminate information specially for children are necessary.

The Conference should call on states to pay particular attention to the protection of children's rights in armed conflict, including prevention of involvement by children in hostilities. States should adopt an optional protocol to the Convention on the Rights of the Child to prohibit recruitment of those under 18.

The Conference should call on the U.N. to establish a focal point on the rights of the child within the Centre for Human Rights.

Economic and social rights

The World Conference should strongly reaffirm an abiding commitment to the realization of economic, social and cultural rights. It should call for similar affirmation by states and international organizations and NGOs.

Recognition of economic, social and cultural rights remains superficial. To enhance genuine respect for economic, social and cultural rights, the Conference should call for the following steps:

-- States must reaffirm their commitment to recognizing these rights as rights, should take all measures to implement them in national policy, including making available remedies for their vindication.

-- All States that have not ratified the Covenant on Economic, Social and Cultural Rights should do so promptly.

-- The United Nations must develop expertise on economic, social and cultural rights within the Centre for Human Rights.

-- NGOs in the human rights field should urgently consider measures to address the failure of most NGOs active at the United Nations level to pay more than lip service to economic, social and cultural rights.

-- States parties to the Covenant on Economic, Social and Cultural Rights should report on their compliance with its terms fully and faithfully, and involve citizens and NGOs in the

preparation of these reports. The Committee on Economic and Social Rights should intensify its examination of these reports and improve its monitoring of states' compliance with their obligations.

The indivisibility of the two sets of rights--civil and political, and economic, social and cultural--is a basic tenet both of the Universal Declaration of Human Rights and of the Covenants on Human Rights. It is also affirmed in article 6(2) of the Declaration on the Right to Development. The Conference should therefore urge that all efforts to monitor respect for the Declaration on the Right to Development should take full account of the extent to which the principle of indivisibility is respected in practice.

Development and human rights

The World Conference should insist on genuine integration of development policies with human rights policies.

-- The Conference should call on both the UN and its agencies, and all States, to ensure that human rights policies and programs and those relating to development are fully integrated, a sine qua non if either are to be pursued with practical effectiveness. This principle applies equally to the activities of the World Bank and the International Monetary Fund.

-- The Conference should affirm that the promotion of an

effective and balanced development process is impossible in the absence of respect for the right of all individuals to participate freely in the full range of democratic processes. Respect for the Rule of Law, the establishment of an independent judicial system, free and genuine periodic elections, and transparency and openness in government are all essential ingredients of development.

Democracy as a Human Right

The World Conference should affirm the human right to democracy, and point the way toward practical steps to secure it in national societies.

The World Conference should affirm that:

-- All persons have a right to democratic governance, which is the sole basis of the authority and legitimacy of government;

-- That right depends on the respect for fundamental supporting rights. These rights include among others freedom of opinion, expression and association, and the right to seek office and participate in periodic free and open elections of governmental representatives;

-- The right to democratic governance and its supporting rights must be formally guaranteed by law, but must also be effectively incorporated into the established and continuing institutions of civil society;

-- The United Nations and other international organizations

should apply all the means at their disposal for inducing and assessing compliance by governments with these political rights, including organizing and monitoring of elections. Respect for these rights should be the object of particular scrutiny in the appraisal of state reports, hearing and determination of individual complaints, and missions of factfinding and inquiry.

The United Nations and other international organizations should also undertake operations within a state to support the development of the institutions of civil society and help them to take root, and should develop measures to defend these institutions against efforts to destroy them by undemocratic means. States must stand ready to commit the necessary resources for these purposes.

Protection of internationally or internally uprooted persons

The World Conference should call for urgent attention to protection of the floods of refugees and internally displaced persons.

A growing crisis, abetted by the demise of the Cold War, has produced masses of persons displaced in their own countries. The World Conference should call governmental and nongovernmental human rights bodies to address the human rights dimension of the problem, and to increase protection for internally displaced persons. Displaced persons enjoy the human rights of all persons, but need additional assistance. Particular attention should thus be given to

establishing these rights as rights, strengthening humanitarian assistance and access, and to developing norms on population transfers and the protection of relief workers.

The Conference should call on States to support the Representative of the Secretary-General for Internally Displaced Persons and the provision of assistance to him in the field in a monitoring and protection role. The establishment of an early warning system should be encouraged, to provide advance notice of displacements and to trigger international remedial action.

The dismemberment of states following the Cold War has further aggravated the already massive global problem of refugees. The World Conference should call on states to welcome refugees and respect their rights under the 1951 Refugee Convention and its 1967 Protocol. In particular, violations of the norm of non-refoulement constitute an especially grave breach of international law, and contribute to threats to international peace and security. The Conference should call for an international campaign for respect for the rights of refugees, which should seek to eliminate such practices as interdiction and forced return of asylum-seekers on the high seas without evaluation of their claims to refugee status, and abusive and unnecessary detention of asylum-seekers; and should encourage development of fair and cooperative refugee determination procedures, such as those of the Comprehensive Plan of Action in Asia.

The Conference should declare the need to broaden the scope of international refugee protection. For this purpose new instruments

should be formulated, initially at the regional level, to encompass, *inter alia*, the needs of those fleeing internal armed conflict.

UNHCR has declared this the "decade of repatriation". The Conference should call for the development by States and international bodies of guidelines to ensure that the return of refugees is voluntary.

Developing additional human rights law

The World Conference should support the development of additional human rights principles and obligations, relating in particular to freedom of religion and to individual autonomy in intimate personal matters.

While the world community should undertake further efforts to develop new principles of international human rights law only after full and most careful deliberation, such efforts would appear to be well warranted in these two areas.

Protection against abuse of derogation in "emergency" circumstances

The World Conference should address urgently the distortion of the concept of "emergency" and the abuse of human rights under the guise of "emergency".

The Conference should call for the UN to develop a stricter

definition of the circumstances justifying declaration of a state of emergency, using the 1991 Draft Guidelines for the Development of Legislation on States of Emergency as a model, and encourage the Human Rights Committee and regional treaties bodies to scrutinize carefully whether actual emergency conditions exist.

The Conference should call on the UN to compile an extended list of rights that are non-derogable and must be respected under all circumstances. Priority should be given to defining minimum protections against arbitrary detention and for fair trial of persons prosecuted during states of emergency.

The Conference should call on the UN to give greater publicity to recommendations for preventative action against violation of non-derogable rights made by treaty bodies and special rapporteurs. The proposed Special Commissioner for Human Rights could provide a focus for rapid response to large-scale violations of non-derogable rights.

It is important to insist that derogation must be strictly necessary for the life of the nation, and proportional to the need. The Human Rights Committee and other appropriate bodies should devote attention to development of the principle of proportionality in review of state reports and in considering individual communications.

Resources should be allocated to create and maintain a data base on states of emergency and their impact on human rights.

II. NATIONAL ENFORCEMENT

National responsibility

The World Conference should declare the primary responsibility of governments and national institutions for assuring respect for human rights.

The Conference should call on governments:

-- To provide effective judicial remedies in domestic courts to enforce obligations under both human rights treaties and customary law;

-- to disseminate the texts of human rights treaties and other human rights standards, principles and guidelines groups within their societies and take appropriate steps to ensure that these norms are implemented in domestic law and policy.

Responsibility for gross violations

The World Conference should strongly affirm the responsibility of governments and the legal accountability of officials and other individuals for gross violations of human rights.

The World Conference should reaffirm the responsibility of governments and their duty to establish legal accountability for grave violations of human rights. Specifically, the Conference should call upon States to respect their general obligations to

investigate incidents of torture, disappearances and extrajudicial executions, attempt to bring the wrongdoers to justice, and assure compensation to the victims. The World Conference should reaffirm the invalidity of amnesty laws that establish impunity for such gross violations of human rights. The United Nations and other appropriate international bodies should press states to meet their international responsibilities in this regard.

The Conference should call upon States in which gross violations of human rights have occurred on a massive scale officially to establish and publicize the truth about those violations. Such an accounting is a crucial foundation for national reconciliation as well as for the rehabilitation of individual victims. The Conference should affirm that such an official truth-telling is a not a substitute for compliance with States' duty to seek to bring to justice those who are responsible for the violations and to provide compensation and other remedies to the victims.

The Conference should call upon the international community to take responsibility for ensuring accountability for massive and gross violations of human rights in situations where the relevant government is unable or unwilling to do so. Building on the example set by the Commission on the Truth appointed by the UN in El Salvador, the international community should take similar responsibility for establishing the truth about massive violations in other countries where the government is unable or unwilling to do so itself.

The World Conference should affirm that superior orders are not a defense to the commission of massive human rights violations, provided that a moral choice was possible, and call upon States to uphold these principles in prosecutions for such violations.

The Conference should call upon appropriate UN bodies to develop legal principles clearly establishing that there is no statute of limitations for torture, disappearances and extra-judicial executions, as well as for crimes against humanity.

III. INTERNATIONAL ENFORCEMENT

Making human rights treaties work

The World Conference should present a detailed program of action for addressing grave deficiencies in the processes of the treaty bodies, beginning with the review of state reports on compliance with human rights treaties, and for strengthening the treaty regimes.

The World Conference should call on states to meet their obligations to report fully, faithfully and promptly. States should disseminate information concerning when a state report is due, when it will be examined and the results of the examination. States should send representatives to the examination of state reports who are experts in the field and who are authorized to answer in full

the committee's questions. States should encourage NGO participation and consultation in the drafting of state reports. The treaty bodies should encourage the participation of national and international NGOs before and during the examination of state reports. They should invite selected NGOs to participate in their activities.

Every treaty body has encountered an acute problem of overdue state reports. The treaty bodies should devise means to examine compliance with treaty obligations by states that have failed to submit reports.

Where the information provided is inadequate, treaty bodies should demand further information; schedule further hearings based on that information, rather than waiting for the next periodic report; and report the committee's requests for further information and the responses received.

Treaty bodies should issue direct and forceful conclusions about the adequacy of state reports and on the human rights situation in the state. The treaty bodies should highlight laws and practices that are incompatible with the treaty, request information on changes to those laws and practices, and include a separate section in their annual reports on these requests and the responses received.

Treaty bodies should be encouraged to develop a capacity for finding facts. Such a capacity should be used particularly where states fail to meet their reporting obligations, either by failing to file a report, or by filing one that is extremely inadequate.

The treaty bodies should request unscheduled state reports where conditions warrant.

The availability of the right of individual petition should be advertised. The treaty bodies should hold hearings on individual communications, and invite authors of communications to appear. Authors should be offered assistance in preparing their case. States parties should remedy any violations found by treaty bodies during consideration of individual communications.

States parties should propose only candidates for treaty body membership who are genuinely independent from their governments and who have appropriate human rights expertise. The United Nations should live up to the principles on non-discrimination against women by encouraging the nomination and election of women as members of treaty bodies.

The treaty bodies should publicize in their annual reports the status of the state representatives who have been sent and comment specifically on any inadequacies revealed.

The effectiveness of treaty bodies depends on their ability to monitor implementation of human rights and publicize deficiencies. The General Assembly should provide sufficient resources for that purpose. Equitable allocation of resources in particular should be extended to CEDAW.

Consultation and communication among the chairs of all of the treaty bodies should be continued and expanded.

The General Assembly should effectively disseminate state reports, annual reports of the treaty bodies, and summary records

of the examination of states; dissemination through United Nations Information Centers alone is inadequate.

States should accept optional procedures granting rights of individual petition.

Protocols permitting the right of individual petition should be drafted for treaties not presently so providing, particularly the Convention on the Elimination of All Forms of Discrimination Against Women, the Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

Crippling reservations have been attached by some states to their ratification of human rights treaties, especially the Convention on the Elimination of All Forms of Discrimination Against Women. States should in general limit their reservations to those regarded as absolutely necessary to permit ratification. States should periodically review the necessity of their reservations and withdraw them if at all possible. The treaty bodies should examine reservations and formulate opinions about the compatibility of the reservation with the object and purpose of the treaty. In particular, the treaty bodies should examine the permissibility of reservations to non-derogable rights and to derogation clauses. The General Assembly should request an Advisory Opinion from the International Court of Justice on the compatibility of questionable reservations with the object and purpose of the treaty.

International judicial enforcement.

The World Conference should call on states and international institutions to promote international human rights tribunals in regions where they do not exist; to improve the capacities of existing human rights tribunals; to make more effective use of the International Court of Justice for human rights purposes; and to create certain new tribunals of specialized jurisdiction.

The Conference should:

-- Urge all European or American States that have not yet ratified respectively the European or American Conventions on Human Rights to do so, with acceptance also of the jurisdiction of their respective regional courts; encourage African states to consider establishing a new African Court of Human Rights as a means of further implementation of the African Charter on Human and Peoples Rights; and encourage countries in Asia and the Arab world to develop regional human rights instruments, including human rights courts.

--Urge states to accept the compulsory jurisdiction of the International Court of Justice, without reservation as to disputes involving human rights.

--Urge states parties to human rights treaties that do not provide for the compulsory judicial settlement of disputes, to

conclude additional protocols for accepting such obligations.

--Urge the United Nations and other bodies to conduct studies of the practical or other reasons states fail to make more use of the International Court of Justice for human rights purposes, with a view to proposing procedural and other reforms, or possible measures of assistance, to meet these problems.

--Call on the United Nations and other bodies to conduct studies on the international implementation of protections against unlawful detention, to determine the desirability and feasibility of establishing a special international court or regional courts for this purpose, or expanding the authority of existing courts.

-- Urge the United Nations to consider the establishment of a permanent or *ad hoc* international criminal tribunal or tribunals with jurisdiction over crimes against humanity and other massive violations of fundamental rights.

-- Endorse the establishment of an international war crimes tribunal to prosecute those responsible for crimes against humanity, war crimes, genocide, and other gross violations of human rights in the former Yugoslavia in accordance with Security Council Resolution 808.

Improving U.N. Protection for Human Rights

The World Conference should call for the establishment of a Special Commissioner for Human Rights, as an independent high-level authority with a sole and specific human rights mandate, as well as for a range of measures for strengthening existing UN human rights structures.

The end of the Cold War has offered opportunities for the United Nations to play a more activist role in the implementation of international human rights norms, as well as difficult challenges. Seizing these opportunities will require a carrying out a detailed agenda for strengthening current United Nations human rights mechanisms, and the World Conference should present such an agenda. A Human Rights Commissioner is essential to achieve these ends.

The protection of human rights being an essential element of peace-building, the Conference should call for the inclusion of a human rights component in all UN peace-building missions unless special circumstances dictate otherwise. The UN human rights program, including its expert bodies, should be fully involved in the planning and implementation of such operations.

The Conference should urge that the composition of all U.N. missions should be determined in ways that will take account of the needs of local populations, as by participation of nationals of countries with similar cultures, and of women.

In particularly serious human rights situations, the Commission on Human Rights or a Special Human Rights Commissioner should place on-site human rights monitors in a country to engage in fact-finding and reporting.

The Conference should call for a major increase in the financial and human resources available to the UN human rights program, accompanied by greater accountability and transparency.

The agenda of the annual meeting of the Commission on Human Rights should be reformed, with greater flexibility to permit attention to urgent situations.

The Commission on Human Rights should devise more flexible means to respond to violations of human rights, including the stationing of on-site monitors. The Commission should pay more attention and provide specific follow-up to the recommendations of its rapporteurs.

The Sub-Commission, as an organ of independent experts, should serve as the UN's human rights "think tank". Governments should respect the independence of the experts and not nominate or elect as independent "experts" persons exercising diplomatic or other governmental functions.

The Sub-Commission should structure its debate regarding violations of human rights in a manner which would allow NGOs to present information and states to respond to that information.

Goals and timetables should be established for securing equal representation of women among the Special Rapporteurs and Working Groups established by the UN Commission on Human Rights, the Sub-

Commission on Prevention of Discrimination and Protection of Minorities and in the program on advisory services.

The United Nations Centre for Human Rights has a unique mandate to document and report on serious violations of human rights, and this should be its principal focus. The program of advisory services and technical assistance should be carried out in a way so as not to interfere with or divert resources from this principal focus. The advisory services program should be transparent and subject to clear standards, guidelines and evaluations. To the extent possible, the program should be carried out by independent experts, including NGOs.

Safeguarding national and international human rights organizations

The World Conference should call on states and international bodies to recognize and respect the vital work of indigenous national NGOs as well as that of international NGOs.

The rights of non-governmental human rights organizations are guaranteed in principle by various UN treaties and declarations. Unfortunately many states have hindered the development and the activities of such independent groups, and the international community has devoted insufficient attention to protecting their needs in practice.

Human rights issues are increasingly relevant to the work of various United Nations departments and specialized agencies. In

the last several years the UN has undertaken unprecedented monitoring, fact-finding and other human rights protection activities in every region of the world. It is especially important that the United Nations integrate and coordinate efforts to involve and support the work of independent human rights organizations, including those working at both the national and international level.

The World Conference should call on the entire UN system to support the formation and work of independent human rights organizations in every country in the world. The operating practices of the NGO committee of the ECOSOC need to be changed to encourage the admission and full participation of both international and national human rights NGOs.

The World Conference should urge the United Nations to prepare a report on the situation and treatment of human rights NGOs. The study should focus particular attention on relevant laws governing freedom of association, speech and assembly as they are applied to independent human rights organizations. It should also examine the accessibility of government institutions, such as the courts, to human rights advocates.

The World Conference should recommend a comprehensive plan of action through which all UN departments and specialized agencies are urged to develop procedures for receiving, considering and acting upon information received from human rights NGOs on a regular basis.

Responsibilities and powers of the larger community: humanitarian intervention and assistance in crisis situations

At a time when a new political environment has generated demands for an increasingly activist role of the UN in coping with humanitarian emergencies, the World Conference should delineate the policies and principles that should govern such a role in regard to gross human rights violations.

Specifically, the Conference should:

-- Express deep concern over the increase in gross violations of human rights and declare the responsibility of the international community to address them.

-- Express the conviction that the United Nations should develop institutions and procedures that would make it possible to anticipate, deter, prevent and limit human rights atrocities, and that the most promising means to that end is the establishment of a Special Commissioner for Human Rights.

-- Recognize that in the exercise of its responsibility to address gross human rights violation, the international community should so far as possible avoid forcible means that intrude on the territorial integrity and political independence of the target states.

-- Call on the Security Council, the General Assembly, and other organs to develop programs to anticipate gross violations and

to plan collective responses to such violations, by non-forcible means if possible.

-- Take note that, except when the Security Council is seized of the matter, the General Assembly has authority and responsibility to address gross human rights violations and to recommend measures to address them.

-- Consider that the United Nations should encourage established regional bodies and other responsible groups of states to resort to peaceful measures to meet gross human rights violations, and, subject to Security Council authority, to cooperate in humanitarian intervention against gross human rights violations.

-- Recognize that in some circumstances gross human rights violations may constitute "threats to the peace" and therefore be the responsibility of the Security Council (under Chapters VI and VII of the Charter).

-- Recognize that if peaceful measures fail, it may be necessary to take coercive action to terminate gross human rights violations and that the Security Council has authority to take or recommend such measures.

-- Call on states to negotiate agreements with the Security Council as required by Article 43 of the Charter and to cooperate in developing plans in anticipation of the possible need to use such forces for humanitarian intervention.

-- Call on the Security Council, in determining whether to undertake humanitarian intervention by military action, to take

account of:

(1) the need to exhaust non-forcible means.

(2) the need to keep to a minimum the degree of intrusion upon the target state's political independence and territorial integrity.

(3) the extent and character of the violation that would justify military intervention as a last resort.

-- Reaffirm its commitment to the principles of the Charter prohibiting the unilateral use of force by individual states, or by groups of states, even for humanitarian intervention against states guilty of gross human rights violations, unless such intervention is authorized by the Security Council.